

11CV6998

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Athur I. Segel (Appellant)

## DEFENDANTS

Bernard L. Madoff Investment Securities, LLC (Appellee)

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ropes & Gray LLP, Prudential Tower, 800 Boylston Street,  
Boston, MA 02199-3600, 617-951-7000

## ATTORNEYS (IF KNOWN)

Christopher G. Green, James A. Wright, Andrew G. Devore

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a)(1): appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned See attachmentIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE		
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	<input type="checkbox"/> 410 REAPPORTMENT		
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST		
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING		
<input type="checkbox"/> 140 NEGOTIABLE	SLANDER	PRODUCT LIABILITY	PROPERTY		<input type="checkbox"/> 450 COMMERCE		
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 630 LIQUOR LAWS	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 460 DEPORTATION		
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 470 RACKETEER INFLU-		
ENFORCEMENT OF	LIABILITY	LIABILITY	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	ENCED & CORRUPT		
JUDGMENT	<input type="checkbox"/> 340 MARINE	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 660 OCCUPATIONAL	<input type="checkbox"/> 840 TRADEMARK	ORGANIZATION ACT		
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	SAFETY/HEALTH		(RICO)		
<input type="checkbox"/> 152 RECOVERY OF	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 690 OTHER	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 CONSUMER CREDIT		
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	<b>LABOR</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 CABLE/SATELLITE TV		
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 810 SELECTIVE SERVICE		
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 SECURITIES/		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	RELATIONS	<input type="checkbox"/> 864 SSID TITLE XVI	COMMODITIES/		
OVERPAYMENT OF	INJURY		<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 865 RSI (405(g))	EXCHANGE		
VETERAN'S BENEFITS			<input type="checkbox"/> 730 LABOR/MGMT		<input type="checkbox"/> 875 CUSTOMER		
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<b>ACTIONS UNDER STATUTES</b>		REPORTING &	<b>FEDERAL TAX SUITS</b>	CHALLENGE		
<input type="checkbox"/> 190 OTHER CONTRACT	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	12 USC 3410		
<input type="checkbox"/> 195 CONTRACT PRODUCT	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO	RAILWAY LABOR ACT	Defendant)	<input type="checkbox"/> 890 OTHER STATUTORY		
LIABILITY	<input type="checkbox"/> 442 EMPLOYMENT	VACATE SENTENCE	<input type="checkbox"/> 740 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	ACTIONS		
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 443 HOUSING/	20 USC 2255	LITIGATION	26 USC 7609	<input type="checkbox"/> 891 AGRICULTURAL ACTS		
<b>REAL PROPERTY</b>	ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 790 EMP LIT INC		<input type="checkbox"/> 892 ECONOMIC		
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY	SECURITY ACT		STABILIZATION ACT		
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER	<b>IMMIGRATION</b>		<input type="checkbox"/> 893 ENVIRONMENTAL		
<input type="checkbox"/> 230 RENT LEASE &	DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION		MATTERS		
EJECTMENT	EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION	APPLICATION		<input type="checkbox"/> 894 ENERGY		
<input type="checkbox"/> 240 TORTS TO LAND			<input type="checkbox"/> 463 HABEAS CORPUS-		ALLOCATION ACT		
<input type="checkbox"/> 245 TORT PRODUCT			ALIEN DETAINEE		<input type="checkbox"/> 895 FREEDOM OF		
LIABILITY	<input type="checkbox"/> 448 AMERICANS WITH		OTHER IMMIGRATION		INFORMATION ACT		
<input type="checkbox"/> 290 ALL OTHER	DISABILITIES -OTHER		ACTIONS		<input type="checkbox"/> 900 APPEAL OF FEE		
REAL PROPERTY	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				DETERMINATION		
					UNDER EQUAL ACCESS		
					TO JUSTICE		
					<input type="checkbox"/> 950 CONSTITUTIONALITY		
					OF STATE STATUTES		

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Attorneys for Appellant:

Christopher G. Green  
James A. Wright  
Andrew G. Devore  
Ropes & Gray LLP  
Prudential Tower  
800 Boylston Street  
Boston, MA 02199-3600

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
Baker & Hostetler, LLP  
45 Rockefeller Plaza  
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 9/6/11 SIGNATURE OF ATTORNEY OF RECORD  
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO  
[X] YES (DATE ADMITTED Mo. May Yr. 2005)  
Attorney Bar Code # 4357059

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)